

Mei-Miao Kuo

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Plaintiff in Pro Per



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MEI-MIAO KUO

Plaintiff,

v.

NGY GROUP INC., SEAN SU, JASON
YANG, and QUINGJUN XIA,

Defendants.

) CASE NO.: 2:23-CV-03806-SVW-MRWx
)
) **PLANTIFF'S DECLARATION TO**
) **ANSWER AND OR IN SUPPORT**
) **MOTION FOR SUMMARY**
) **JUDGMENT PURSUANT**
) **TO FED. R. CIV. P. 56**
)
) **Hearing Date: October 16, 2023**
) **Hearing Time: 01:30PM**
)
) **JUDGE: HON. STEPHEN V. WILSON**
) **DEPT.: COURTROOM 10A**

I, Mei-Miao Kuo, Plaintiff, a Citizen of the United States of America, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am a person over eighteen (18) years of age and have personal knowledge of the following facts, and, if called as a witness, I could and would competently testify thereto.

2. I have submitted civil rights complaint(s) in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e to 2000e-17 ("Title VII") and Section 1981 of the Civil Rights Act of

1 1866 on race, retaliation, sex/gender, and national origin, and Age Discrimination in
 2 Employment Act of 1967, as codified, 42 U.S.C. §§ 12112 to 12117, to the United States District
 3 Court of the Central District of California and to the Civil Rights Department of the State of
 4 California Business, Consumer Services and Housing Agency against the following Defendants,
 5 NGY Group Inc. (“NGY” in subsequent paragraph, formerly known as SK Home Supplies, Inc.,
 6 see Exhibit “A”), Sean Su (“Mr. Su” hereafter, with a Chinese name of Xia Qiang Su in the
 7 California Secretary of State business record; President or Chief Executive Officer of NGY),
 8 Jason Yang (“Mr. Yang”; Vice President of NGY), and Quingjun Xia (“Mr. Xia,” aka. Jason
 9 Xia, Sale Manager of NGY) are Chinese males originated from the People’s Republic of China
 10 (“China”). The NGY is owned by Chinese individual(s) originated from China, became
 11 naturalized citizen(s) of the United States of America (USA) and resident(s) in California.

12 The discriminatory conduct of which I complain in this action includes termination of my
 13 employment, pervasive hostile work environment, and retaliation that constitute false and
 14 defamatory statements regarding the Plaintiff that she committed serious crime/misconduct by
 15 stealing and being incompetent in her occupation and/or profession.

16
 17 3. On August 11, 2023, I contacted, attempted to discuss, and informed a few times via phone
 18 and electronic mail, the office of Lagasse Branch Bell + Kinkead LLP and Christopher C. Cianci,
 19 regarding this motion.

20
 21 4. See Exhibit “B,” are supporting documents of my professional and academic background. I
 22 am female over 40 years old, an engineer and a professional woman California State Contractor
 23 Licensee in both “Class A – General Engineering Contractor” and “Class B – General Builder
 24 Contractor” with a CSLB License no. 989669. I am a licensed contractor principally work with
 25 fixed works that require specialized engineering knowledge and skill and a licensed contractor
 26 work on existing structures, structures being built or to be built that require at least two unrelated
 27 building traded or drafts during the construction. I have a Master of Science (M.S.) in
 28 Mathematics from the Texas A&M University at Kingsville and M.S. degree in Civil

1 Engineering from the University of Texas at San Antonio (UTSA) in San Antonio, Texas. I have
2 a Bachelor of Science in Business Administration from Taiwan.

3 I am also a licensed realtor and broker (ID no. 01862545). I have experience in real estate
4 business working for Coldwell Banker George Realty in July 2009 through 2011 and for My
5 Real Star, Inc. in March 2013 through December 2013. I was originally from Taiwan who came
6 to the United States to earn graduate degrees and to have a piece of American dream.

7 I had previously worked as a part time Water Quality Research Assistant at the California
8 State University at Los Angeles in 2009 to 2010. Prior to working and living in the State of
9 California, I was working as Design Engineer in engineering consulting firms from 2004 through
10 2007. I saved all my funds for future business ventures in construction and real estate industry.

11
12 5. I received documents pertaining negative actions from NGY (formerly known SK Home
13 Supplies, Inc., see Exhibit "A"), in Exhibit "C" shows statement that I considered to be hostile
14 and untruthful statements.

15
16 6. See Exhibit "D" regarding document(s) from the California Employment Development
17 Department (EDD), Administrative Judge, as a proof that the false statement of a crime by NGY
18 was/were untrue and unfounded.

19
20 7. See Exhibit "E" is the Right-to-Sue Letter, from the Civil Rights Department of the State of
21 California Business, Consumer Services and Housing Agency, that was given to me after I filed
22 my complaint(s) to their office.

23
24 8. On December 13, 2013, through September 14, 2017, I started working for NGY Group Inc.
25 ("NGY" in subsequent paragraphs, also formerly known as SK Home supplies, Inc.), as a female
26 Sales Representative. At that time, a male manager was giving me a hard time at the job by
27 forcing me to go home a number of times when I just got to work and advising me with
28 demeaning statements with hostile tones that I was incompetent and displeasing to others in front

1 of other workers. I was experiencing severe toxic work climate with male coworkers that started
2 to affect my health and negatively impacting my mental well-being.

3
4 9. On September 14, 2017, a Chinese male Sales Manager at NGY, Mr. Wayne (I do not
5 remember his last name), terminated. After a few weeks, a female accountant, was also fired by
6 Mr. Wayne.

7
8 10. At the peak of COVID-19 pandemic in late 2019 through middle of 2020, I was planning to
9 start my business venture but unable to obtain small projects during COVID. It was considered
10 the worst pandemic in American history per the Centers for Disease Control and Prevention, US
11 Department of Health, and World Health Organization, where over 1 million people in the US
12 have died of COVID-19 nationwide as of September 2022. It was difficult to find employment at
13 that time.

14
15 11. On early July of 2020, in the midst of COVID-19, Mr. Xinshan Jiang (also known as Jason
16 Jiang), Warehouse Manager at NGY contacted me to convince me to work for NGY again
17 because he needed hardworking and honest workers who are willing to work during COVID-19
18 pandemic. He was unable to find hard-working and reliable workers to help him and his
19 coworkers.

20
21 12. On July 6, 2020, I accepted the position as a female Sales Representative at NGY after I was
22 being convinced by Mr. Jiang.

23
24 13. During my tenure at NGY in middle of 2020, I started to experience severe bullying tactics
25 by Quingjun Xia (aka. Jason Xia), a Sales Manager at NGY and intimidating behavior by always
26 asking me to quit and leave NGY (often times with angry tones) throughout my time working for
27 NGY until 2021. I could not quit my job at that time due to the unstable economic status of our
28 State because of the pandemic.

1 However, the other Warehouse Manager, Mr. Jiang always wanted to keep me working due to
2 my positive work ethics and being a reliable worker. At that time, it was dangerous to work due
3 to the absence of vaccine against COVID-19 virus. But I continued to work to survive within the
4 economic hardship and I had the desire to conscientiously help my good-hearted manager and
5 friend, Mr. Jiang at NGY.

6
7 14. On December 1, 2020, a female Cashier at NGY became unhelpful and made statements with
8 offensive tone, "Do not ask me to help you and do not ask me to scan your documents because
9 the sales station machine is not working."

10
11 15. On December 14, 2020, I told the Sales Manager, Mr. Xia "I could not find the price of
12 Calacatta Laza Caraza 9x42 in the system, do you know the price?" However, He yelled, "figure
13 it out yourself!"

14
15 16. On December 14, 2020, at a different time, a customer came to pick up vanity cabinet V4821
16 (48" bathroom cabinet), however, Quick Book shows that we had 2 (two) items in stock but
17 Hector, a worker at NGY could not find it. The customers want to choose PC2490 (pantry
18 cabinet), the system shows 1 (one) in stock, then hereafter, I went to the warehouse to check and
19 discovered that there were more than one in stock, so I informed Mr. Xia, that the account needs
20 to update the system inventory. Mr. Xia angrily berated me, "Go home!"

21
22 17. On December 16, 2020, as soon as I arrived at NGY office in the morning, Defendant,
23 Chinese male originated from China, NGY Sales Manager, Quingjun Xia berated me with angry
24 tone and continually humiliated me in the presence of customers, cashier, and other workers
25 stated, "You are so incompetent who do not know how to do the sales! Do not know how to do
26 the orders! And do not know how to handle customers!" I was very upset, felt humiliated, and
27 mentally distressful after he made those statements in front of everyone.

1 18. On January 15, 2021, NGY Sales Manager, Mr. Xia asked another manager, Mr. Jiang, to
2 fire me.

3
4 19. On January 16, 2021, I informed Mr. Xia regarding the copy machine was not working and I
5 was unable to do scanning of office-related documents. He berated me again with a statement,
6 "If you do not know how to use the machine, you go home and don't work!" I became more
7 upset and distressful that resulted to my poor quality of sleep and bad mood.

8
9 20. Approximately September of 2020 through February 1, 2021, Chinese male originated from
10 China, NGY Sales Manager, Mr. Xia and some other male coworkers had persistently targeted
11 me and continually acted with offensive behaviors to embarrass or ridicule me by asking my
12 poor with low salary and commission in front of other workers to insinuate that I was a lowly
13 paid poor female worker. He also repeatedly berated me to go home early portion of the day
14 before the end of my duty hours with statements in hostile tones, "You are a useless,
15 incompetent, and an incapable worker!" in the presence of other male workers. This was
16 happening most of the time. I did not quit my job at NGY even though I was experiencing severe
17 mobbing in the workplace that resulted adverse impact to my health physically and mentally that
18 generated a feeling of hopelessness in the worst time of COVID-19 pandemic.

19 Moreover, I did not have good health insurance, wherefore, I was unable to seek medical
20 help. I was very worried about my job in the worst economic conditions of California. The
21 negative events in the workplace at NGY had resulted to my sufferings, unable to sleep at night,
22 extreme anxiety and feeling of hopelessness in addition to gloomy climate created by pandemic.

23
24 21. On February 2, 2021, in the morning when I arrived at the office, Chinese male Sales
25 Manager, Mr. Xia repeatedly berated and humiliated me with hostile tones saying in front of my
26 customers, "you are incapable of working!" I felt so embarrassed in front of my customers while
27 they were waiting for me to place the orders and some customers wanted to obtain documents to
28 make payment and to pick-up materials. Thereafter, Mr. Xia berated me again with a statement,

1 *you go inside the office until the accountant, Linda Qian, and Vice President Jason Yang will*
 2 *arrive! Hereafter, a Chinese male originated from China who is/was the NGY Vice President,*
 3 *Mr. Yang came, sat there in the office, observed, and wrongfully accused me of criminal activity*
 4 *by stealing kitchen set cabinets with an aggressive tone in front of Mr. Xia. Mr. Yang repeatedly*
 5 *made a defamatory statement, *You are stealing kitchen set cabinets that resulted incorrect**
 6 *inventory numbers and that's why Quick Book inventory is never correct!*

7 I was absolutely puzzled and felt that the situation was very bizarre regarding Mr. Yang, who
 8 is a Vice President of the company, came to see me only to make defamatory statement
 9 unprofessionally with Mr. Xia and the accountant, Linda Qian, not one single Human Resources
 10 (HR) personnel came to see me to take care of a serious problem that they falsely alleged against
 11 me. In addition, I believed that these abusive individuals perceived me in engaging, about to
 12 participate or had involved in a protected activity, because I had informed a former coworker
 13 regarding their negative attitudes toward females and Taiwanese a while back including their
 14 other potential violations of the law. An NGY HR personnel had never ever attempted to speak
 15 to me. The NGY leadership had not provided me viable anti-harassment and not given me
 16 opportunity for anti-discrimination resolution with HR throughout my employment at NGY,
 17 instead I was being attacked by all male leadership.

18
 19 22. On late January and February of 2021, after I was finally terminated and further falsely
 20 accused of stealing by Chinese male managers who originated from China at NGY.
 21 Subsequently, I contacted my colleague and technical advisor, Dr. Anna Doro-on, several times
 22 for advice and she had provided me names of legal counsels specializing in civil rights in
 23 Ventura and Los Angeles and advised me to immediately apply for an unemployment insurance
 24 at the California Employment Development Department (EDD) before filing a complaint(s) to
 25 the U.S. Equal Employment Opportunity Commission (EEOC). (see ¶ 33 on page 10 of this
 26 document and see Exhibit "M").

27 I filed a complaint with the Office of EEOC on August 03, 2021. EEOC had limited
 28 accessibility and communication and everything was virtual due to the COVID-19 pandemic. I

1 was disoriented psychologically due to my restlessness, intense anxiety, and distress to survive
2 while looking for jobs and small projects that I did not experience before, which resulted to
3 unable to meet the deadline for interview in early 2022, then EEOC schedule my interview
4 twice, however, the EEOC electronic system suddenly cancelled my interview schedules twice. I
5 almost gave up fighting against this injustice because I already developed physical aches and
6 pains and sleep issues due to my experiencing of prolong duration of distress caused by NGY.

7
8 23. On late August 2023 through September 8, 2023, upon revisiting my EEOC case with the
9 EEOC Agent, Ms. Susan Ha and her team in person, I was able to find out that my case with
10 EEOC remained open until early September 2023. The EEOC agents told me that the electronic
11 systems may have had cancelled my schedule interview in error during COVID-19 pandemic.
12 They mentioned that they just had their electronic information systems upgraded very recently,
13 and my case with EEOC that I filed remained open. COVID-19 pandemic had impacted their
14 operations, that had created piles of workloads to their Agency. The EEOC gave and released my
15 Right To Sue Letter on September 8, 2023 (see Exhibit "M").

16
17 24. On early 2022, I contacted Dr. Doro-on to inform her that I am giving up fighting against
18 injustices due to my insomnia, continued memory flashbacks, extreme moodiness and hard to
19 find help, however, she uplifted my spirit and encouraged me to look for a local Civil Rights
20 Department (CRD) of the Department of Fair Employment and Housing (DFEH), to file a civil
21 rights complaint prior to filing complaint(s) to US District Court. I also continued to contact
22 legal counsels but all of them were not available to take cases like mine during COVID-19
23 pandemic/post pandemic. I able to successfully file a complaint and obtained Right-to-Sue Letter
24 from DFEH.

25
26 25. Approximately early June and July of 2021, the NGY went against my filing for an
27 unemployment insurance with the California EDD and NGY further gave false allegation to the
28 EDD Administrative Judge for a reason that I was terminated from my employment because of

1 stealing large and kitchen set cabinet (see **Exhibit “K”**), which I was “incapable of doing,” to
2 stop my unemployment insurance at the peak of COVID-19 pandemic; that I considered to be
3 intentional infliction of adverse hardship and mental distress. Up to present, NGY male manager
4 and some workers continuously spread false statements about me that I was not only an
5 incompetent worker but also committed a serious crime of being a thief at NGY.

6
7 26. The frequency and patterns of abusive behaviors of NGY male superiors originated from
8 China, Mr. Su, and Mr. Yang were condoning and encouraging the relentless hostility together
9 with the majority of male workers against an older female worker like me plus I am a the only
10 female Taiwanese. They are/were all accused me of a serious criminal activity with hostile tones
11 for intentionally destroying my credibility, generating humiliation within my professional
12 domain by spreading false rumors that I am incompetent to impair my morale and to downplay
13 my self-esteem, producing to my economic damages, and creating negative adverse impacts to
14 my current and future business venture endeavors in construction and real estate industries to
15 losing potential business, customers, and earning capacity and loss of medical therapy. I filed the
16 complaint(s) against the Defendants, NGY Group Inc. et. al. to STOP them from continually
17 engaging in willful discriminatory act, subjection to pervasive hostility in the workplace, and
18 reckless disregard for the consequences of implicit bias and automatic stereotyping directed to a
19 woman like me.

20
21 27. See **Exhibit “F”**, a sworn statement/affidavit of Xinshan Jiang, former Warehouse Manager
22 at NGY.

23
24 28. See **Exhibit “G”**, a sworn statement/affidavit of Michael Ellison, current professional
25 colleague, CSLB Contractor Licensee, and Customer at NGY.

26
27 29. See **Exhibit “H”**, a sworn statement/affidavit of Vonny Huynh, witness for the Plaintiff
28 regarding defamatory statements made by Quinjun Xia.

1
2 30. See **Exhibit "I"**, a sworn statement/affidavit of Dr. Anna M. Doro-on, my colleague and
3 technical advisor.

4
5 31. See **Exhibit "J"**, examples of my timecard and Mr. Xia's business card showing NGY
6 Group Inc. and SK Home Supplies, Inc. are the same ownership and resulted to name changed.

7
8 32. See **Exhibit "K"**, sample photographic images of kitchen cabinet sets comprising solid
9 wood, metals, and other parts at the NGY Warehouse or sold by NGY and inside NGY
10 warehouse where the cabinet sets are stored.

11
12 33. See **Exhibit "L"**, photographic image of Mr. Xia's business card.

13
14 34. See **Exhibit "M"**, a Right To Sue Letter from the US EEOC that was given to me after I
15 filed my complaint(s) to their office during COVID-19 Pandemic, dated August 8, 2023.

16
17 35. See **Exhibit "N"**, showing photos inside and outside my office where I worked during 2013
18 through 2021 at NGY that may help you to visualize my work.

19
20 36. See **Exhibit "O"**, showing more photos of the NGY Warehouse in addition to photos in
21 **Exhibit "K"** that may help you to visualize NGY Warehouse.

22
23 I believe that I was discriminated against based on my protected classes and or in retaliation for
24 engaging in protected activity by the Defendants due to my race for being an Asian Taiwanese,
25 gender (female), age over 40+, national origin (originated from Taiwan), and for engaging in
26 protected activity. The Defendants are all Chinese males originated from China and a lot younger
27 than me.

1 I declare under penalty of perjury that the foregoing is true and correct.
2

3 Executed on this 21th day of September 2023, in the City of Los Angeles, State of California,
4 United States of America.
5

6 DATED: September 21, 2023.
7

8
9 /s/ Mei-Miao Kuo

10 Plaintiff in Pro Per

11 Print name: MEI-MIAO Kuo
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EXHIBIT “A”

**ENTITY CHANGE OF NAME:
FROM SK HOME SUPPLIES, INC.
TO NGY GROUP INC.**

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]

 <p>Secretary of State Certificate of Amendment of Articles of Incorporation Name Change Only - Stock</p>	<p>AMDT- STK-NA</p>	<div style="border: 2px solid black; padding: 5px; margin-bottom: 10px;"> <h1 style="margin: 0;">FILED</h1> <p style="margin: 5px 0;">Secretary of State State of California</p> <p style="margin: 5px 0;">A0849721</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p style="margin: 5px 0; font-size: small;">Filing Number</p> <p style="margin: 5px 0;">12/04/2020</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p style="margin: 5px 0; font-size: small;">Filing Date</p> </div> <p style="margin: 0;">1. Corporation Name (Enter the exact name of the corporation as it currently is recorded with the California Secretary of State.)</p> <p style="margin: 10px 0;">SK HOME SUPPLIES, INC.</p> <p style="margin: 0;">2. 7-Digit Secretary of State File Number</p> <p style="margin: 10px 0; font-size: 24px; font-weight: bold;">C3574745</p>
<p>IMPORTANT — Read instructions before completing this form.</p> <p>Filing Fee — \$30.00</p> <p>Copy Fees — First Page \$1.00 & .50 for each attachment page; Certification Fee — \$5.00</p>		

- Item 3a: Enter the number, letter or other designation assigned to the provision in the Articles of Incorporation being amended (e.g., "I," "First," or "A"). See instructions if the provision in the Articles of Incorporation being amended does not include a number, letter, or other designation. Any attachment is made part of this document.
- Item 3b: Enter the new corporate name.

3. New Corporation Name

3a. Article 1 of the Articles of Incorporation is amended to read as shown in Item 3b below:

3b. The name of the corporation is NGY GROUP (LOS ANGELES) INC.

4. Approval Statements

4a. The Board of Directors has approved the amendment of the Articles of Incorporation.

4b. Shareholder approval was (check one):

- ☐ By the required vote of shareholders in accordance with California Corporations Code section 902. The total number of outstanding shares of the corporation entitled to vote is _____. The number of shares voting in favor of the amendment equaled or exceeded the vote required. The percentage vote required was more than 50%.

☒ Not required because the corporation has no outstanding shares.

5. Read, sign and date below (See instructions for signature requirements. Note: Both lines must be signed.)

We declare under penalty of perjury under the laws of the State of California that the matters set forth herein are true and correct of our own knowledge and we are authorized by California law to sign.

12-3-2020
Date

[Signature]
Signature

YALI KE
Type or Print Name of President

12-3-2020
Date

[Signature]
Signature

YALI KE
Type or Print Name of Secretary

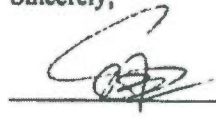
A0849721

December 2, 2020

To the California Secretary of State:

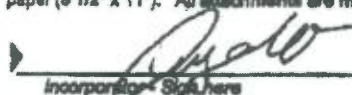
I, XIA QIANG SU, President or CEO of NGY GROUP (CHINO) INC., give permission and consent to YALIKE to use the name NGY GROUP (LOS ANGELES) INC. to incorporate in the State of California.

Sincerely,



_____, President/CEO of NGY GROUP (CHINO) INC.

3574745

ARTS-GS	Articles of Incorporation of a General Stock Corporation			
<p>To form a general stock corporation in California, you can fill out this form or prepare your own document, and submit for filing along with:</p> <ul style="list-style-type: none"> - A \$100 filing fee. - A separate, non-refundable \$15 service fee also must be included, if you drop off the completed form or document. <p>Important! Corporations in California may have to pay a minimum \$800 yearly tax to the California Franchise Tax Board. For more information, go to https://www.ftb.ca.gov.</p> <p><i>Note: Before submitting the completed form, you should consult with a private attorney for advice about your specific business needs.</i></p>				
<p>FILED <i>g/fy</i> Secretary of State State of California MAY 30 2013 <i>ac</i></p>				
<p><small>This Space For Office Use Only</small></p>				
<p style="text-align: center;">For questions about this form, go to www.sos.ca.gov/business/be/filing-tips.htm.</p> <p>Corporate Name (List the proposed corporate name. Go to www.sos.ca.gov/business/be/name-availability.htm for general corporate name requirements and restrictions.)</p> <p>① The name of the corporation is <u>SK HOME SUPPLIES, INC.</u></p>				
<p>Corporate Purpose</p> <p>② The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.</p>				
<p>Service of Process (List a California resident or an active 1505 corporation in California that agrees to be your initial agent to accept service of process in case your corporation is sued. You may list any adult who lives in California. You may not list your own corporation as the agent. Do not list an address if the agent is a 1505 corporation.)</p> <p>③ a. <u>YALIKE</u> <small>Agent's Name</small></p> <p>b. <u>19519 RED TAIL CT.</u> <u>WALNUT</u> <u>CA 91789</u> <small>Agent's Street Address (if agent is not a corporation) City (no abbreviations) State Zip</small></p>				
<p>Corporate Addresses</p> <p>④ a. <u>19519 RED TAIL CT.</u> <u>WALNUT, CA 91789</u> <small>Initial Street Address of Corporation City (no abbreviations) State Zip</small></p> <p>b. _____ <small>Initial Mailing Address of Corporation, if different from 4a City (no abbreviations) State Zip</small></p>				
<p>Shares (List the number of shares the corporation is authorized to issue. Note: Before shares of stock are sold or issued, the corporation must comply with the Corporate Securities Law of 1968 administered by the California Department of Corporations. For more information, go to www.corp.ca.gov or call the California Department of Corporations at (213) 878-7500.)</p> <p>⑤ This corporation is authorized to issue only one class of shares of stock.</p> <p>The total number of shares which this corporation is authorized to issue is <u>1000000</u></p>				
<p>This form must be signed by each incorporator. If you need more space, attach extra pages that are 1-sided and on standard letter-sized paper (8 1/2" x 11"). All attachments are made part of these articles of incorporation.</p>				
<p> <small>Incorporator Sign here</small></p>	<p><u>YALIKE</u> <small>Print your name here</small></p>			
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> <p><small>Make check/money order payable to: Secretary of State</small></p> <p><small>Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee.</small></p> </td> <td style="width: 33%; vertical-align: top; text-align: center;"> <p><small>By Mail</small></p> <p>Secretary of State Business Entities, P.O. Box 944280 Sacramento, CA 94244-2800</p> </td> <td style="width: 33%; vertical-align: top; text-align: center;"> <p><small>Drop-Off</small></p> <p>Secretary of State 1500 11th Street, 3rd Floor Sacramento, CA 95814</p> </td> </tr> </table>		<p><small>Make check/money order payable to: Secretary of State</small></p> <p><small>Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee.</small></p>	<p><small>By Mail</small></p> <p>Secretary of State Business Entities, P.O. Box 944280 Sacramento, CA 94244-2800</p>	<p><small>Drop-Off</small></p> <p>Secretary of State 1500 11th Street, 3rd Floor Sacramento, CA 95814</p>
<p><small>Make check/money order payable to: Secretary of State</small></p> <p><small>Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee.</small></p>	<p><small>By Mail</small></p> <p>Secretary of State Business Entities, P.O. Box 944280 Sacramento, CA 94244-2800</p>	<p><small>Drop-Off</small></p> <p>Secretary of State 1500 11th Street, 3rd Floor Sacramento, CA 95814</p>		



BA20230246168



STATE OF CALIFORNIA
Office of the Secretary of State
STATEMENT OF INFORMATION
CORPORATION

California Secretary of State
 1500 11th Street
 Sacramento, California 95814
 (916) 653-3516

For Office Use Only

-FILED-

File No.: BA20230246168

Date Filed: 2/10/2023

Entity Details			
Corporation Name	NGY GROUP (LOS ANGELES) INC.		
Entity No.	3574745		
Formed In	CALIFORNIA		
Street Address of Principal Office of Corporation			
Principal Address	458 PARRIOTT PL W CITY OF INDUSTRY, CA 91745		
Mailing Address of Corporation			
Mailing Address	458 PARRIOTT PL W CITY OF INDUSTRY, CA 91745		
Attention			
Street Address of California Office of Corporation			
Street Address of California Office	458 PARRIOTT PL W CITY OF INDUSTRY, CA 91745		
Officers			
Officer Name	Officer Address	Position(s)	
YALI KE	458 PARRIOTT PL W CITY OF INDUSTRY, CA 91745	Chief Executive Officer, Secretary, Chief Financial Officer	
Additional Officers			
Officer Name	Officer Address	Position	Stated Position
None Entered			
Directors			
Director Name	Director Address		
YALI KE	458 PARRIOTT PL W CITY OF INDUSTRY, CA 91745		
The number of vacancies on Board of Directors is: 0			
Agent for Service of Process			
Agent Name	YALI KE		
Agent Address	458 PARRIOTT PL W CITY OF INDUSTRY, CA 91745		
Type of Business			
Type of Business	HOME SUPPLIES DISTRIBUTOR		
Email Notifications			
Opt-in Email Notifications	No, I do NOT want to receive entity notifications via email. I prefer notifications by USPS mail.		
Labor Judgment			
No Officer or Director of this Corporation has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.			

B1494-8302 02/10/2023 4:02 PM Received by California Secretary of State

Electronic Signature

☒ By signing, I affirm that the information herein is true and correct and that I am authorized by California law to sign.

YALI KE

Signature

02/10/2023

Date

B1494-8363 02/10/2023 4:02 PM Received by California Secretary of State

EXHIBIT “B”

THE PLAINTIFF’S

PROFESSIONAL AND ACADEMIC CREDENTIALS

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]

The University of Texas at San Antonio

has conferred upon

Mei-Hsiao Kuo

the degree of

Master of Science

Civil Engineering

with all the rights and privileges thereunto appertaining.

In Witness Whereof, this diploma is granted by the
Board of Regents upon recommendation of the Faculty.
Presented this eighteenth day of December, two thousand four.

Z. Pantic-Tanner

Dean

Ruane Romo

President



Chancellor

James H. Higgins

Chairman, Board of Regents

Texas A & M University - Kingsville



Be It Known That

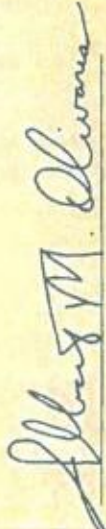
Mei-Miao Kuo


having satisfactorily completed the Course of Study as prescribed by this Institution and having complied with all other requirements of the University is awarded the degree of

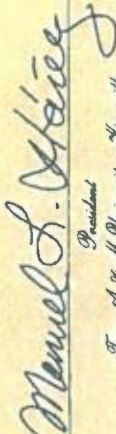
Master of Science

Mathematics

In Witness Whereof, our signatures are hereto affixed this
seventh day of August, nineteen hundred ninety-eight.


Dean of the College of Graduate Studies
Texas A & M University - Kingsville


Provost and Vice President for Academic Affairs
Texas A & M University - Kingsville


President
Texas A & M University - Kingsville


Chancellor
The Texas A & M University System


Chair, Board of Regents
Texas A & M University System



EXHIBIT "C"

DOCUMENTS GIVEN TO THE PLAINTIFF
FROM NGY GROUP INC.

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]

NOTICE TO EMPLOYEE
AS TO CHANGE IN EMPLOYMENT RELATIONSHIP
(Termination Notice Pursuant to Provisions of Section 1089
of the California Unemployment Insurance Code)

Name of Employee: Sidney Kuo MEI-MIAO Kuo

Employee Social Security Number: _____

YOUR EMPLOYMENT STATUS HAS CHANGED FOR THE REASON CHECKED BELOW:

☐ Voluntary
Resignation/Quit
Effective ___/___/20__

☐ Discharged
(Termination)
Effective ___/___/20__

☐ Change from Full
Time to Part Time
No. of Hours: _____
Effective ___/___/20__

☐ Leave of Absence
Effective ___/___/20__
With a return date of
___/___/20__

☐ Refusal to accept
available work
Effective ___/___/20__

③ Jan 11th pickup cabinet no
④ Tue 1st pickup cabinet (no paper)

COMMENTS:

① Seriously violated company regulations and failed to pay customer to get company cabinet. ② Disrupt order.

Supervisor's Signature: [Signature] Dated: 2/2/2021

NOTICE ACKNOWLEDGEMENT BY EMPLOYEE

I received a copy of this Notice.

Employee's Signature: [Signature]

Date: _____

If employee refuses to sign to acknowledge receipt of this form, a witness may sign.

Witness Signature: [Signature] Dated: 2/2/2021

Print Witness Name: _____

SSN:

EMPLOYEE WARNING NOTICE

The purpose of this form is to formally document employee problems affecting performance, behavior, and/or productivity. Examples include (but are not limited to) substandard work, absenteeism, tardiness, refusal to accept work assignments or follow instructions, and failure to follow proper policies and procedures.

Employee: Sidney KuoDate: 2/2/2021Supervisor: John Doe1. NATURE OF INFRACTION

You are in violation of company policies and need to give this matter your immediate attention. Failure to correct the problem may result in further disciplinary action up to and including termination of employment. If you question this issue and would like to discuss it further, feel free to contact your supervisor.

☐ Excessive
Absenteeism☐ Absence without
leave☒ Insubordination☒ Neglect of Duty☐ Tardiness/ Early
Quit☐ Refusal to accept
work assignments or
follow instructions☐ Incompetence☐ Other reasons:
_____2. COMMENTS (Describe each infraction and warning; list dates, amounts, names, facts and events.)

Violating company regulations and requesting cashiers to swipe card
No contract to take company cabinets

3. ACTION TO BE TAKEN☒ Warning☐ Probation☐ Suspension☐ Other4. CONSEQUENCES IF INFRACTION(S) OR INCIDENT(S) OCCUR AGAIN

(length of time for improvement, and probationary period)

Supervisor's Signature: [Signature]Dated: 2/2/2021

I received a copy of this notice. My signature does not necessarily mean that I agree with the contents of this document.

Employee's Signature: _____

Dated: _____

If employee refuses to sign to acknowledge receipt of this form, a witness may sign.

Witness Signature: _____

Dated: _____

Print Witness Name: _____

MM RW
SSN:

EMPLOYEE WARNING NOTICE

The purpose of this form is to formally document employee problems affecting performance, behavior, and/or productivity. Examples include (but are not limited to) substandard work, absenteeism, tardiness, refusal to accept work assignments or follow instructions, and failure to follow proper policies and procedures.

Employee: Sidney Kuo

Date: 1/5/2021

Supervisor: Jason Jiang

1. NATURE OF INFRACTION

You are in violation of company policies and need to give this matter your immediate attention. Failure to correct the problem may result in further disciplinary action up to and including termination of employment. If you question this issue and would like to discuss it further, feel free to contact your supervisor.

☐ Excessive
Absenteeism

☐ Absence without
leave

☐ Insubordination

☐ Neglect of Duty

☐ Tardiness/ Early
Quit

☒ Refusal to accept
work assignments or
follow instructions

☐ Incompetence

☐ Other reasons:

2. COMMENTS (Describe each infraction and warning; list dates, amounts, names, facts and events.)

Should not be provide information outside company to customer.

3. ACTION TO BE TAKEN

☒ Warning

☐ Probation

☐ Suspension

☐ Other

4. CONSEQUENCES IF INFRACTION(S) OR INCIDENT(S) OCCUR AGAIN (length of time for improvement, and probationary period)

Supervisor's Signature: [Signature]

Dated: 1/5/2021

I received a copy of this notice. My signature does not necessarily mean that I agree with the contents of this document.

Employee's Signature: [Signature]

Dated: 1/5/2021

If employee refuses to sign to acknowledge receipt of this form, a witness may sign.

Witness Signature: [Signature]

Dated: 1/5/2021

Print Witness Name: _____

EXHIBIT “D”

DOCUMENT(S)

FROM THE CALIFORNIA

EMPLOYMENT DEVELOPMENT DEPARTMENT (EDD)

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]



LOS ANGELES OFFICE OF APPEALS
300 S. Spring Street, Rm 1502 Ground Floor
LOS ANGELES CA 90013-1204

(213) 897-5267

MEIMIAO M KUO
Claimant

SK HOME SUPPLIES, INC
Account No: 024-9097
Employer-Appellant

Case No. **7015435 (PEUC)**

Issue(s): 1030/32, 1256

Date Appeal Filed: 07/14/2021

EDD: 0210 BYB: 03/07/2021

Date and Place of Hearing(s):
(1) 01/27/2022

Parties Appearing:
Claimant, Employer

DECISION

The decision in the above-captioned case appears on the following page(s).

The decision is final unless appealed within 30 calendar days from the date of mailing shown below. See the attached "Notice to Parties" for further information on how to file an appeal. If you are entitled to benefits and have a question regarding the payment of benefits, call EDD at 1-800-300-5616.

Jill Coren, Administrative Law Judge

MEIMIAO M KUO
PO BOX 363
ALHAMBRA, CA 91802-0363

Date Mailed:

FEB 07 2022

Case No.: 7015435

CLT/PET: Meimiao M. Kuo

Parties Appearing: Claimant, Employer

Parties Appearing by Written Statement: None

Los Angeles Office of Appeals

ALJ: Jill Coren

ISSUE STATEMENT

The employer appealed from a determination/ruling that held the claimant was not disqualified for benefits under Unemployment Insurance Code section 1256 and that the employer's account was subject to charges under Unemployment Insurance Code sections 1030 and 1032. The issues in this case are:

- (1) Whether the claimant was discharged for misconduct connected with the most recent work; and
- (2) Whether the employer's reserve account is subject to charges.

FINDINGS OF FACT

The claimant most recently worked as a salesperson for a wholesale home supplies company for approximately seven months. She was paid minimum wage plus commission and was terminated on February 2, 2021.

The employer's wholesale home supplies to registered customers who have to have either a resale or some other relationship so they can buy wholesale and resale to their customers.

The process is that the salesperson writes up a ticket, the cashier takes payment and the customer takes a slip to the warehouse where the item is brought out and delivered to them.

On or about January 11 the claimant had a customer who had purchased an item and there had a problem with the purchase and the customer was not able to finish the job for which it was purchased. He called irate to the employer's office. The claimant's then manager, who is no longer working at the company, asked the claimant to intercede and to try to get the customer's product to him so he could finish his job and they could maintain good relations. The claimant therefore operated outside of the normal policy and went to the warehouse and had the product pulled and she herself delivered it on her own time in order to appease the customer. The claimant did not know customer and had no personal relationship with him. Since the claimant works on commission it would not serve her interest to give a product away without being paid. The claimant understood that the product had been paid for.

The claimant could not have lifted the cabinet herself since the purchase was a heavy kitchen cabinet. Typically, salespeople are not allowed into the warehouse however her previous manager allowed her to go in to pick up this item because of the mistake and their efforts to appease the customer. The customer was registered with the employer.

The claimant had one previous warning for an unrelated matter.

The claimant was terminated as a result of delivering the cabinet. The claimant was accused of stealing the cabinet at the time of termination. Nobody interviewed the claimant to ascertain why she did what she did or what the background circumstances were. The claimant challenged the employer's conclusion, but they would not listen to her version of events.

The employer representative and witness at the hearing had been more recently hired and was not present when the incident occurred. He did not have any information beyond what was written on the warning and on the termination, which was cryptic and lacked detail. He assumed that question marks on the separation document were put there by the employer, however the claimant credibly testified that they were her question marks because of the allegations that were being made and the failure to document any of the employer's allegations.

The claimant was credible in her testimony and her frustration with the company for arriving at a negative conclusion about her and about the incident. Her testimony she was attempting to rectify a problem that was caused by the employer was credible. The employer witness/representative had no further details. He did not know whether the claimant had been interviewed as a result of the incident. His testimony was based on his belief as opposed to facts. He had some conversations with some employees that was not documented, and was not provided under oath, and lacked detail. The employer witness/rep concluded that there must have been truth to the allegations, or the claimant would not have received a warning. This circular logic lacks evidentiary weight.

REASONS FOR DECISION

The direct evidence of one witness who is entitled to full credit is sufficient for proof of any fact. (Evidence Code, section 411.)

If weaker and less satisfactory evidence is offered when it was within the power of the party to produce stronger and more satisfactory evidence, the evidence offered should be viewed with distrust. (Evidence Code, section 412.)

In determining the credibility of a witness, as provided in section 780 of the Evidence Code, the administrative law judge may consider any matter that has any tendency in reason to prove or disprove the truthfulness of the testimony at the hearing, including:

- c. the extent of the capacity of the witness to perceive, to recollect, or to communicate any matter about which the witness testifies.
- d. the extent of the opportunity of the witness to perceive any matter about which the witness testifies.

An administrative law judge need not accept as true a witness' testimony, even though the testimony is uncontradicted. (*People v. Bobeda* (1956) 143 Cal.App.2d 496.)

Testimony given at the hearing under oath and subject to cross-examination is generally entitled to greater weight than hearsay statements, whether or not such statements are signed under penalty of perjury. (Precedent Decisions P-B-218, P-B-293, and P-B-378.)

In the present case, the claimant credibly testified about the incident and about her efforts to rectify a situation that she had not created, which accounted for the departure from regular process that usually followed. The claimant could not have taken the cabinets without assistance because they were too heavy. The claimant had cooperation from the warehouse and herself to delivered, the materials in an effort to assuage the temper of the client.

The claimant's testimony is accepted. The employer's testimony lacks specificity and detail and was not reliable. He did not have first-hand knowledge. It was within the employer's ability to provide stronger evidence, but it failed to do so. The employer's evidence is discounted.

An individual is disqualified for benefits if he or she has been discharged for misconduct connected with his or her most recent work. (Unemployment Insurance Code, section 1256.)

The employer's reserve account may be relieved of benefit charges if the claimant was discharged for misconduct. (Unemployment Insurance Code, sections 1030 and 1032.)

“Misconduct connected with the work” is a substantial breach by the claimant of an important duty or obligation owed the employer, wilful or wanton in character, and tending to injure the employer. (Precedent Decision P-B-3, citing *Maywood Glass Co. v. Stewart* (1959) 170 Cal.App.2d 719.)

On the other hand, mere inefficiency, unsatisfactory conduct, poor performance as the result of inability or incapacity, isolated instances of ordinary negligence or inadvertence, or good faith errors in judgment or discretion are not misconduct.

Mere ineptitude or failure to work “up to par” is not misconduct. (Precedent Decision P-B-224.)

The employer has the burden of proving misconduct. (*Prescod v. California Unemployment Insurance Appeals Board* (1976) 57 Cal.App.3d 29.)

In the present case, the employer did not meet the burden of proof to show the claimant wilfully and substantially breached important duties or obligations owed to the employer. The claimant’s deviation from a regular procedure was with the employer’s consent and in an effort to rectify a situation. At most it was a good faith error in judgment not amounting to misconduct. The claimant is therefore not disqualified under code section 1256.

DECISION

The determination/ruling is affirmed. The claimant is not disqualified for benefits under code section 1256. Benefits are payable, provided the claimant is otherwise eligible. The employer’s reserve account is subject to charges.

BARSU/rh/jc 2-2

EXHIBIT “E”

RIGHT-TO-SUE LETTER

FROM THE CIVIL RIGHTS DEPARTMENT

OF THE STATE OF CALIFORNIA

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

Civil Rights Department

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact center@calcivilrights.ca.gov

August 3, 2023

Mei Miao Kuo
P.O. Box 363
Alhambra, CA 91802

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202308-21512403
Right to Sue: Kuo / NGY Group (Los Angeles) Inc et al.

Dear Mei Miao Kuo:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective August 3, 2023 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

GAVIN NEWSOM, GOVERNOR

KEVIN KISH, DIRECTOR

August 3, 2023

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202308-21512403
Right to Sue: Kuo / NGY Group (Los Angeles) Inc et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

EXHIBIT “F”

AFFIDAVIT OF XINSHAN JIANG (aka. JASON JIANG)

WITNESS FOR THE PLAINTIFF

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]

Jason Jiang
Tel. (626) 392-4784
1294 Oakdale St., Eastvale, CA 92880

Witness for the Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEI-MIAO KUO

Plaintiff,

v.

NGY GROUP INC., et. al.

Defendants.

) CASE NO.: 2:23-CV-03806-SVW-MRWx

)

) AFFIDAVIT OF XINSHAN JIANG

)

) JUDGE: HON. STEPHEN V. WILSON

) DEPT.: COURTROOM 10A

)

)

)

)

)

I, Xinshan Jiang (aka. Jason Jiang), a male Chinese originally from China, naturalized Citizen of the United States of America, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am a person over eighteen (18) years of age and competent to testify. I make this declaration on personal knowledge to support the Plaintiff, Mei-Miao Kuo.

2. I have read the complaints and understand the particular concerns raised by the Plaintiff against the Defendants.

3. I am a resident of the State of California.

4. I previously worked for NGY Group Inc. ("NGY" hereinafter) as a Manager, since June 1, 2010, through December 31, 2021.

5. I knew Ms. Mei-Miao Kuo as a subordinate coworker in 2016 since when she started working for NGY Group Inc., and until at present as a professional colleague and friend.

6. I certify that to my knowledge Ms. Kuo, a Taiwanese lady (Chinese originally from Taiwan), was a sales representative/agent at NGY, while I was a manager.

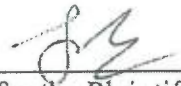
7. I had observed that Ms. Kuo was unfairly mistreated, subjected to pervasive hostile work climate, falsely accused of stealing cabinets, and subsequently terminated by her other male counterparts and male managers who are/were Chinese originated from China at NGY.

8. Ms. Kuo was assigned under my supervision as a sales representative to help us on sales, store operations, customer service, and inventory management. Never came across in my mind to terminate Ms. Kuo, while I was her manager at NGY from work because of her positive personality and great work ethics. Based on my experience working with her, she is very dedicated worker, never fails to help me and our customers and a very honest worker. She was

knowledgeable on the NGY's stocks, inventories, familiar with marketing, and organized at everything she did. I have known Ms. Kuo for approximately 7 years and have always been interacting with her professionally in the business construction domain. She is patient, friendly, and willing to go out her way to help others. She never created any issue or problem while working with me and with the customers.

This statement is made under penalty of perjury on this 3rd day of August 2023.

/s/



Witness for the Plaintiff

Print name: Xinshan Jiang

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

* Affidavit

Brenda Tapia-Ruiz

B.T. 08/10/2023

State of California
County of San Bernardino)

On 08/10/2023 before me, Brenda Isela Tapia-Ruiz, Notary Public
(insert name and title of the officer)

personally appeared Xinshan Jiang,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Brenda Tapia-Ruiz (Seal)



EXHIBIT “G”

AFFIDAVIT OF MICHAEL ELLISON

WITNESS FOR THE PLAINTIFF

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]

1 Michael Ellison

2 Tel. (206) 900-4973

3 616 3rd Ave. NW, Fox Island, WA 98333

4
5 Witness for the Plaintiff

6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 MEI-MIAO KUO

12 Plaintiff,

13
14 v.

15 NGY GROUP INC., et. al.

16
17 Defendants.
18
19
20

) CASE NO.: 2:23-CV-03806-SVW-MRWx

)
) AFFIDAVIT OF MICHAEL ELLISON

)
) JUDGE: HON. STEPHEN V. WILSON
) DEPT.: COURTROOM 10A

21 I, Michael Ellison, a Citizen of the United States of America, pursuant to 28 U.S.C. § 1746,
22 hereby declares as follows:

23 1. I am a person over eighteen (18) years of age and competent to testify. I make this declaration
24 on personal knowledge to support the Plaintiff, Mei-Miao Kuo.

25 2. I have read the complaints and understand the particular concerns raised by the Plaintiff
26 against the Defendants.

27 3. I recently resided in the State of Washington, but I often travel to Oregon, southern California
28 specifically in Los Angeles to do business with other contractors and buy construction materials.

1 I am a California licensed construction contractor with a currently inactive license number of
 2 911759 by the Contractors State License Board (CSLB), and owned my entity, dba Hiatt Premier
 3 Homes.

4 4. I met the Plaintiff, Mei-Miao Kuo in 2014 while doing business with NGY Group Inc. in Los
 5 Angeles County. My experience with Ms. Kuo has always been on a professional level. Since
 6 2014 until now, she has been a great professional colleague and friend. She is very helpful,
 7 respectful, dedicated and a hard-working employee with integrity, that always willing to go the
 8 extra mile to help our customers with their orders for cabinets and other home construction
 9 materials. On a personal level, after knowing her for so many years, she's honest, trust-worthy,
 10 hard-working, and often gives 100% to whatever job she's doing. I can say with certainty, that
 11 Ms. Kuo would never be dishonest or try and cheat anyone at all. During Ms. Kuo's time while
 12 working for NGY Group Inc., she worked very diligently with positive engagement with
 13 customers. Ms. Kuo was one of the few people that would actually come out to the warehouse
 14 and help sort out my orders. No other sales representatives/agents that worked in NGY Group
 15 Inc. would have ever done anything like that. Ms. Kuo knew the business better at NGY than her
 16 managers did. I know that for a fact just by observing as a customer. Sidney is a very highly
 17 driven individual and the hardest working person I've ever worked with.

18
 19
 20 This statement is made under penalty of perjury on this 2nd day of August 2023.

21
 22
 23 /s/ Michael W. Ellison

24 Witness for the Plaintiff

25 Print name: MICHAEL W. ELLISON

26
 27
 28
 SEE ATTACHED
 For CA Notary Seal

CALIFORNIA JURAT WITH AFFIANT STATEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sonoma

- ☒ See Attached Document (Notary to cross out lines 1-5 below)
☐ See Statement Below (Lines 1-5 to be completed only by document signer(s), not Notary)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Signature of Document Signer 1

Signer of Document Signer 2 (if any)

Subscribed and sworn to (or affirmed) before me on this 9 day
August, 2023, by

(1) Michael William Ellison
Name of Signer

Proved to me on the basis of satisfactory evidence to be the person who
appeared before me and

(2) _____
Name of Signer

SEAL



Proved to me on the basis of satisfactory evidence to be the person who
appeared before me.

Kiyara Wilson-Bruton
Notary Public, Sonoma County
Commission #2331401
Expires: August 11, 2024

- ☐ If marked, then attached pages will bear embossment of above notary.

Optional: Not required by law, however, may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

Description of Attached Documents:

Title or type of Document: Affidavit (WA)

Number of Pages: 2

Date of Document: 08/02/2023

Signer(s) other than Named Above: _____

EXHIBIT “H”

AFFIDAVIT OF VONNY HUYNH

WITNESS FOR THE PLAINTIFF

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]

1 Vonny Huynh

2 Tel. (626) 392-4784

3 starthisles@gmail.com

4
5 Witness for the Plaintiff

6
7
8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11
12 MEI-MIAO KUO

13 Plaintiff,

14
15 v.

16
17 NGY GROUP INC., et. al.

18 Defendants.
19 _____

) CASE NO.: 2:23-CV-03806-SVW-MRWx
)
) AFFIDAVIT OF VONNY HUYNH
)
)
) JUDGE: HON. STEPHEN V. WILSON
) DEPT.: COURTROOM 10A
)
)
)
)
)
)

20 I, Vonny Huynh, a Citizen of the United States of America, pursuant to 28 U.S.C. § 1746, hereby
21 declares as follows:
22

23 1. I am a person over eighteen (18) years of age and competent to testify. I make this declaration
24 on personal knowledge to support the Plaintiff, Mei-Miao Kuo.
25

26 2. I have read the complaint(s) submitted to the United States District Court, Central District of
27 California and understand the particular concerns raised by the Plaintiff against the Defendants.
28

1 3. I am a resident of the State of California.

2
3 4. I currently worked as a Cashier for over 6 years at DJJ Cabinets Corporation.

4
5 5. I know the Taiwanese female Plaintiff, Mei-Miao Kuo because she is our Sales Supervisor at
6 DJJ Cabinets Corporation since June 2022 and until now.

7
8 6. I certify to the best of my knowledge that, Mr. Quingjun Xia (aka. Jason Xia), was a former
9 Manager at NGY Group Inc. ("NGY" in subsequent paragraphs) and who worked for
10 approximately 6 months as a Sales Manager at DJJ Cabinets Corporation between 2021 to early
11 2022, I believed that he made false statements a number of times regarding Ms. Kuo for being
12 incompetent and a thief at NGY.

13
14 7. Between 2021 and early 2022, Mr. Xia, a former Manager at NGY, made false statements on
15 several occasions before the Plaintiff came on board at DJJ Cabinets Corporation. He said "he
16 knew a person for the sale position, that person is Ms. Kuo (aka. Sidney Kuo)." He subsequently
17 told me about Sidney on how he fired Sidney when they used to work together. I asked Mr. Xia
18 more about why she was fired. He responded and stated that she tried to steal and stole cabinets
19 from NGY. He said that the warehouse worker put in her car, while the customer argued with the
20 cashier at NGY.

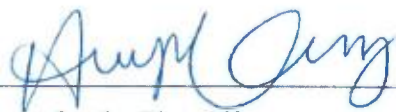
21
22 Mr. Xia made additional statement that Sidney created the altercation between the customer and
23 the cashier by telling the customer that the cashier will not charge the customer credit card.

24
25 Mr. Xia also elaborated to me that he was not going to fire the cashier, so he fired Sidney.
26
27
28

1 Afterwards, I asked Mr. Xia, why he referred Sidney to work for DJJ Cabinets Corporation if he
2 portrayed her being not a good person. He responded to me, "its okay if she comes to work at
3 DJJ." I did not ask any more.

4
5 This statement is made under penalty of perjury on this 9th day of August 2023.
6

7
8 /s/

9 
Witness for the Plaintiff

10
11 Print name:

12 DANNY HUYNH
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EXHIBIT “I”

AFFIDAVIT OF ANNA M. DORO-ON, PH.D.

WITNESS FOR THE PLAINTIFF

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]

1 Anna M. Doro-on, Ph.D.

2 PO Box 729, Lake George, CO 80827

3
4 Witness for the Plaintiff

5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 MEI-MIAO KUO

12 Plaintiff,

13
14 v.

15 NGY GROUP INC., et. al.

16
17 Defendants.
18

) CASE NO.: 2:23-CV-03806-SVW-MRWx

)

) AFFIDAVIT OF

) ANNA M. DORO-ON, PH.D.

)

)

) JUDGE: HON. STEPHEN V. WILSON

) DEPT.: COURTROOM 10A

)

)

)

)

19 I, Anna M. Doro-on, a Citizen of the United States of America, pursuant to 28 U.S.C. § 1746,
20 hereby declares as follows:
21

22 1. I am a person over eighteen (18) years of age and competent to testify. I make this declaration
23 on personal knowledge to support the Plaintiff, Mei-Miao Kuo. I was informed by the Plaintiff,
24 Ms. Kuo and have read the complaint(s) submitted to the United States District Court, Central
25 District of California and the Civil Rights Department of the State of California Business,
26 Consumer Services and Housing Agency and understand the particular concerns raised by the
27 Plaintiff against the Defendants, NGY Group Inc. ("NGY" in subsequent paragraphs; formerly
28

1 known as "SK Home Supplies, Inc." as printed on the California Employment Development
2 Department (EDD) and Ms. Kuo's documents).

3
4 2. I am a subject-matter-expert, an engineer and scientist with over 20 years of experience in
5 consulting industry both in private and government sectors including construction in the State of
6 California and other states in the mainland United States. I am a sole author of three manuscripts
7 published by CRC Press, entitled, *Risk Assessment for Water Infrastructure Safety and Security*,
8 *Risk Assessment & Security for Pipelines, Tunnels, and Underground Rail and Transit*
9 *Operations*, and *Handbook of Systems Engineering and Risk Management in Control Systems*,
10 *Communications, Space Technology, Missile, Security, and Defense Operations*. I have a dual
11 technical degree in Doctor of Philosophy (Ph.D.) in Environmental Science and Engineering
12 from the University of Texas at San Antonio (UTSA) specializing in quantitative psychology of
13 judgement, risk management, chemical/mechanical systems, infrastructure security and defense
14 actions. I also have a Master of Engineering in Cybersecurity Policy and Compliance from the
15 George Washington University. I have MS and BS degrees in civil engineering specializing in
16 structural, civil design, water resources, and environmental engineering. I had Aerospace and
17 Systems Engineering training from the Georgia Institute of Technology through the US
18 Department of Defense sponsorship. I am currently taking courses for professional development
19 in Master of Engineering in Systems Engineering at the University of Colorado at Colorado
20 Springs.

21
22 3. I knew the Plaintiff, Ms. Kuo for over 22 years. Ms. Kuo is a professional woman with
23 graduate degrees, a California State Contractor Licensee (CSLB License no. 989669), and a
24 licensed realtor and broker (ID no. 01862545). She was originally from Taiwan who came to the
25 United States to pursue her dreams in obtaining graduate degrees specifically a Master of
26 Science (M.S.) in Mathematics from the Texas A&M University and M.S. degree in Civil
27 Engineering from UTSA. I am professionally connected with her since year 2001.

1 I knew her from graduate school at the Civil & Environmental Engineering Department in
2 UTSA, in San Antonio, Texas. As a former graduate school student, Ms. Kuo was very helpful to
3 me and to other students in reaching out for appropriate professors and mentors in the College of
4 Engineering when I was a new student at UTSA. She was always motivated to seek a few
5 numbers of employments while pursuing graduate degree(s) that include research assistantship
6 and working in evening shifts off-campus.

7
8 4. I hereby certify to the best of my knowledge that, with regards to Ms. Kuo's statements to me
9 verbally in person and by phone on several occasions that when she was working at NGY
10 between 2013 and 2021, her male manager and some male coworkers were unfairly mistreated
11 her with unrelenting insults or embarrassments by asking her personal questions about her very
12 low salary and commission in front of other male coworkers, and subjected her to workplace
13 mobbing by forcing her to go home a number of times while she just arrived to work and telling
14 her that she was incompetent, and continually tarnishing her professional reputation through
15 false statements within her professional discipline.

16 A male manager told her a number of times, "there is something wrong with you," apparently
17 questioning her credibility in front of other workers at NGY office building. Ms. Kuo came to
18 me and told me about the incidents to ask for my help and guidance.

19
20 5. On late January and February of 2021, after Ms. Kuo was terminated and wrongfully accused
21 of violating company policy and stealing by male managers including superiors at NGY, she
22 contacted me a number of times while she was in so much distress mentally and emotionally.
23 She was helpless and very worried about the false allegations and its possible negative
24 consequences to her future planned business venture. I asked her to calm down and had given her
25 advice to apply for an unemployment insurance at the California EDD before filing a
26 complaint(s) to the U.S. Equal Employment Opportunity Commission (EEOC) or to local
27 Department of Fair Employment and Housing (DFEH), Civil Rights Department. I gave her
28

1 several contact information of civil rights legal counsels in Los Angeles and Ventura to clear her
2 name. In my understanding, those lawyers were inaccessible during pandemic/post-pandemic.

3
4 6. Approximately early June and July of 2021, Ms. Kuo contacted me again while crying on the
5 phone regarding NGY male managers/workers who went against her filing for an unemployment
6 insurance at the California EDD and made false allegation to the EDD Administrative Judge that
7 she was terminated from her employment because of stealing to impede governmental support at
8 the peak of COVID-19 pandemic as she believed to induce adverse economic hardship and
9 extreme anxiety directed to her.

10 Thereafter, she mentioned to me a number of times that her former managers at NGY
11 are/were continuously spreading false harmful statements regarding her incompetence and for
12 being a thief at NGY that can likely create or could already have produced destruction to her
13 credibility and impairment to her self-esteem. Based on her behavior and verbal statements, I
14 have witnessed that she started to feel negatively and think lowly of herself up to now. I told her
15 many times, "You are a professional woman with outstanding academic and professional
16 background, do not allow other people to put you down."

17
18 7. Ms. Kuo was also my former co-worker as a Design Engineer in my previous employment in
19 engineering consulting firms in the State of Texas between 2004 through 2007. She was genuine,
20 always honest, truthful, and helpful to coworkers and customers.

21 She is a skinny, petite, and small-built woman, who is incapable of carrying oversize cabinet
22 sets that requires forklift. California obeys the doctrine of "employment-at-will" per the State of
23 California Department of Industrial Relations, Division of Labor Standards Enforcement
24 (DLSE), which means that all employers have the right to terminate employees at will, for
25 almost any reason or for no reason at all. According to the DLSE, it does not mean that an
26 employer can terminate someone out of harassment, retaliation, and discrimination on race,
27 ancestry, religion, gender color, national origin, and age (Labor Code § 98.7). The DLSE
28 elaborated that an employee should contact the Civil Rights Department of DFEH. In addition,

1 the DLSE has jurisdiction when employee has been retaliated against for participating in a
2 protected activity. Ms. Kuo had shared to me about violations of NGY and they may have had
3 suspected her to be capable of reporting those violations to governmental departments including
4 EEO related violations. Ms. Kuo told me that the NGY Human Resources Department had not
5 attempted to reach out to her or provided information or assistance to her for remedial action in
6 terms of anti-harassment/anti-discrimination; she was being attacked by the NGY superiors
7 instead. Hence, I had given advice to Ms. Kuo to contact the DFEH for help and assistance.
8 Therefore, it is/was unnecessary for NGY's male superiors to be hostile and generate untruthful
9 statements regarding violating company policy and stealing of oversize cabinet(s) against Ms.
10 Kuo for employment termination per the documents provided by the California EDD and Ms.
11 Kuo as one of her exhibits, that can likely or could have already resulted destruction of
12 credibility, reputational damage, suffered negative consequences (*i.e.*, by losing potential
13 commission, business ventures, and clients as a contractor, realtor and broker) and severe
14 emotional trauma to Ms. Kuo, the Plaintiff of this case.

15
16 This statement is made under penalty of perjury on this 8th day of August 2023.

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/s/

Witness for the Plaintiff

Print name: Anna M. Doro-on, Ph.D.

EXHIBIT “J”

**SAMPLES OF PLAINTIFF’S TIMECARD
SHOWING NGY IS/WAS ALSO KNOWN
AS SK HOME SUPLIES, INC.**

CASE NO.: 2:23-CV-03806-SVW-MRWx

Total Page: 12

SK HOME SUPPLIES, INC.

458 PARRIOTT PL
INDUSTRY
US CA 91745
626-269-6628
626-269-6626

Date Printed: 1/29/2021

Legend :

LOW - Length Of Work WD - Whole Day
OT - Over Time HD - Half Day
TWH - Total Work Hours HDL - Half Day
L/U - Lates Leave
 Under Time SH - Special
ND - Night Differential Holiday
RD - Restday LH - Legal
HRD - Holiday Holiday
 Restday

Daily Time Record for the period of 01/18/2021 to 01/24/2021

Note : *** All the computations below are
in hours format.

Enroll Number : 86

Name : KUO, MEI MIAO

Date	In	Out	LOW	L/U	OT	TWH	RD	HRD	LH	SH	Others	
											Status	Holidays
1/18/2021	07:59 AM	01:13 PM	5.23									
	02:08 PM	05:20 PM	3.2									
			8		0.43	8.43						
1/19/2021	08:00 AM	01:24 PM	5.4									
	05:17 PM											
			5.4	2.6		5.4						
1/20/2021	07:56 AM	01:15 PM	5.32									
	05:08 PM											
			5.32	2.68		5.32						
1/21/2021	07:59 AM	11:41 AM	3.7									
	01:41 PM	05:11 PM	3.5									
			7.2	0.8		7.2						
1/22/2021	07:59 AM	12:57 PM	4.97									
	01:37 PM	05:06 PM	3.48									
			8		0.45	8.45						
1/23/2021	07:59 AM	01:00 PM	5.02									Sat
			5.02	2.98		5.02						
TOTAL:			38.93	9.07	0.88	39.82						

Total Page: 12

NGY GROUP(LOS ANGELES),INC.

458 PARRIOTT PL
INDUSTRY
US CA 91745
626-269-6628
626-269-6626

Date Printed: 1/29/2021

Legend :

LOW - Length Of Work WD - Whole Day
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TWH - Total Work Hours HDL - Half Day
L/U - Lates Leave
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Daily Time Record for the period of 01/18/2021 to 01/24/2021

Note : *** All the computations below are
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Enroll Number : 86

Name : KUO, MEI MIAO

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											Status	Holidays
1/18/2021	07:59 AM	01:13 PM	5.23									
	02:08 PM	05:20 PM	3.2									
			8		0.43	8.43						
1/19/2021	08:00 AM	12:24 PM	4.4									
	01:24 PM	05:17 PM	3.88									
			8		0.28	8.28						
1/20/2021	07:56 AM	12:15 PM	4.32									
	01:15 PM	05:08 PM	3.88									
			8		0.2	8.2						
1/21/2021	07:59 AM	11:41 AM	3.7									
	01:41 PM	05:11 PM	3.5									
			7.2	0.8		7.2						
1/22/2021	07:59 AM	12:57 PM	4.97									
	01:37 PM	05:06 PM	3.48									
			8		0.45	8.45						
1/23/2021	07:59 AM	01:00 PM	5.02									Sat
			5.02	2.98		5.02						
TOTAL:			44.22	3.78	1.37	45.58						

SK HOME SUPPLIES, INC.

458 PARRIOTT PLACE
CITY OF INDUSTRY, CA 91745

Jason Xia
Sales Manager

sales4@ngyusa.com

C: 626.747.3588

T: 626.269.6628

F: 626.269.6626

www.ngyusa.com

www.parrriottwood.com



PARRIOTT WOOD

CHINO • CITY OF INDUSTRY
ANAHEIM • SAN LEANDRO
SAN JOSE • NEW JERSEY

EXHIBIT “K”

PHOTOS OF KITCHEN CABINET SETS

AT NGY WAREHOUSE

OR SOLD BY NGY

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]







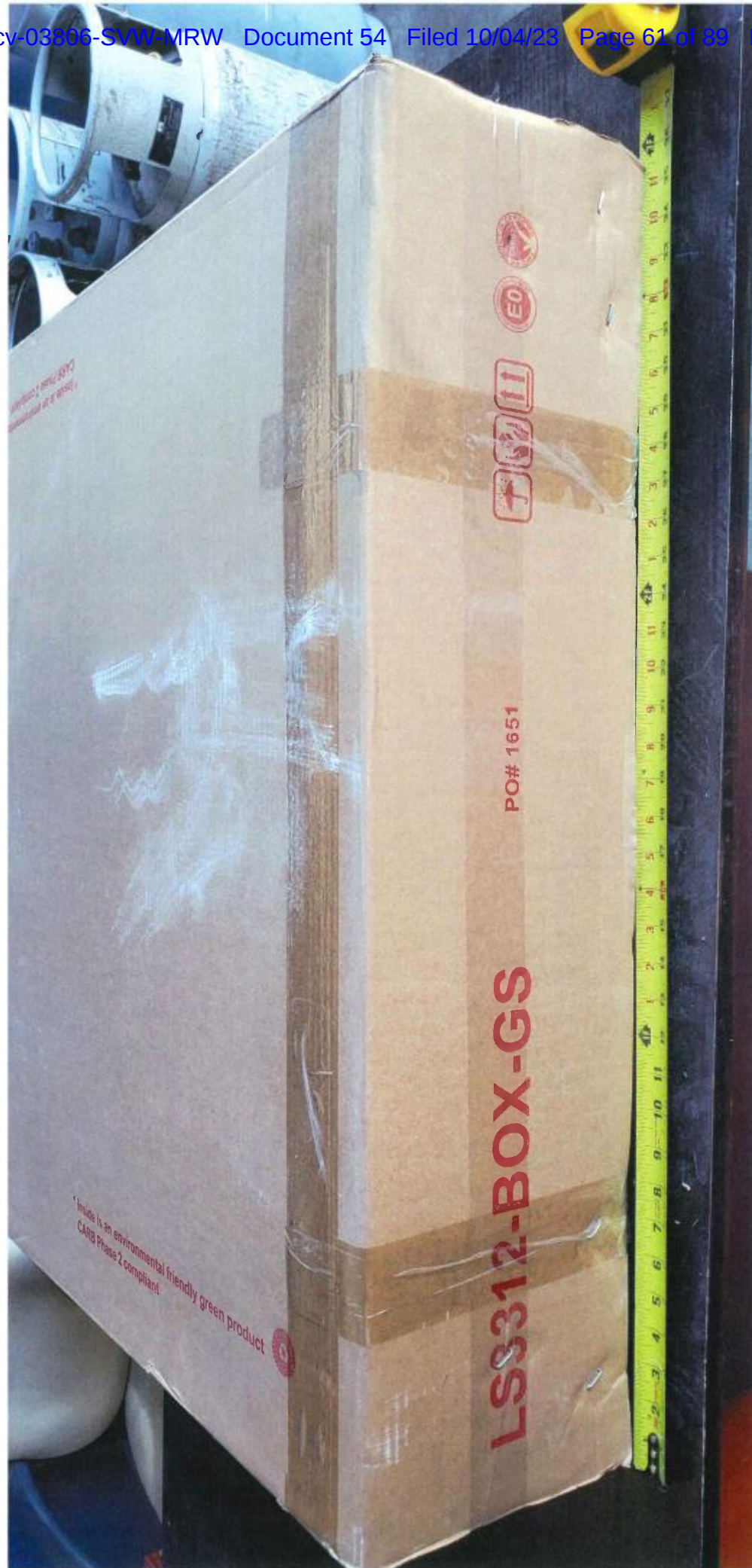














EXHIBIT “L”

DEFENDANT, QUINGJUN XIA (aka. JASON XIA)’S

BUSINESS CARD

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]

SK HOME SUPPLIES, INC.

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PARRIOTT WOOD

CHINO • CITY OF INDUSTRY
ANAHEIM • SAN LEANDRO
SAN JOSE • NEW JERSEY

EXHIBIT “M”

RIGHT-TO-SUE LETTER

FROM THE U.S. EQUAL EMPLOYMENT OPPORTUNITY

ISSUED ON 09/08/2023.

CHARGE MP/ 480-2021-03468

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Los Angeles District Office
255 East Temple St, 4th Floor
Los Angeles, CA 90012
(213) 785-3090
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 09/08/2023

To: Ms. Mei-miao Kuo
PO BOX363
ROWLAND HGTS, CA 91748
Charge No: 480-2021-03468

EEOC Representative and email: SUSAN HA
ENFORCEMENT EQUAL OPPORTUNITY
SUPERVISOR
SUSAN.HA@EEOC.GOV

DISMISSAL OF CHARGE

The EEOC is closing this charge because your charge was not filed within the time limits under the law; in other words, you waited too long after the date of the alleged discrimination to file your charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By:Christine Park-Gonzalez
09/08/2023

Christine Park-Gonzalez
District Director

EXHIBIT “N”

PHOTOS OF THE NGY OFFICE

WHERE THE PLAINTIFF WAS ASSIGNED TO WORK

ON 2013 THROUGH 2021

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]



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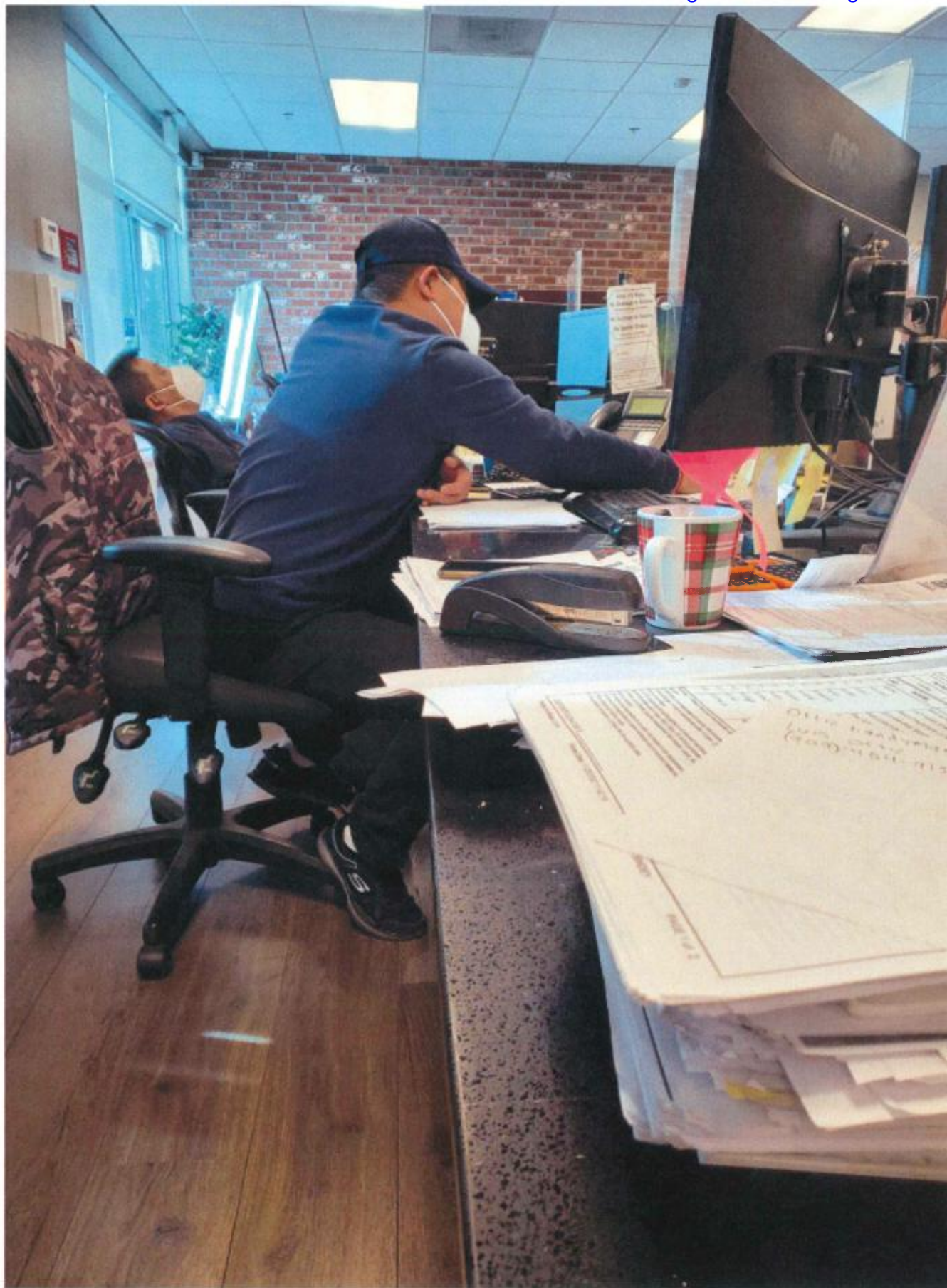


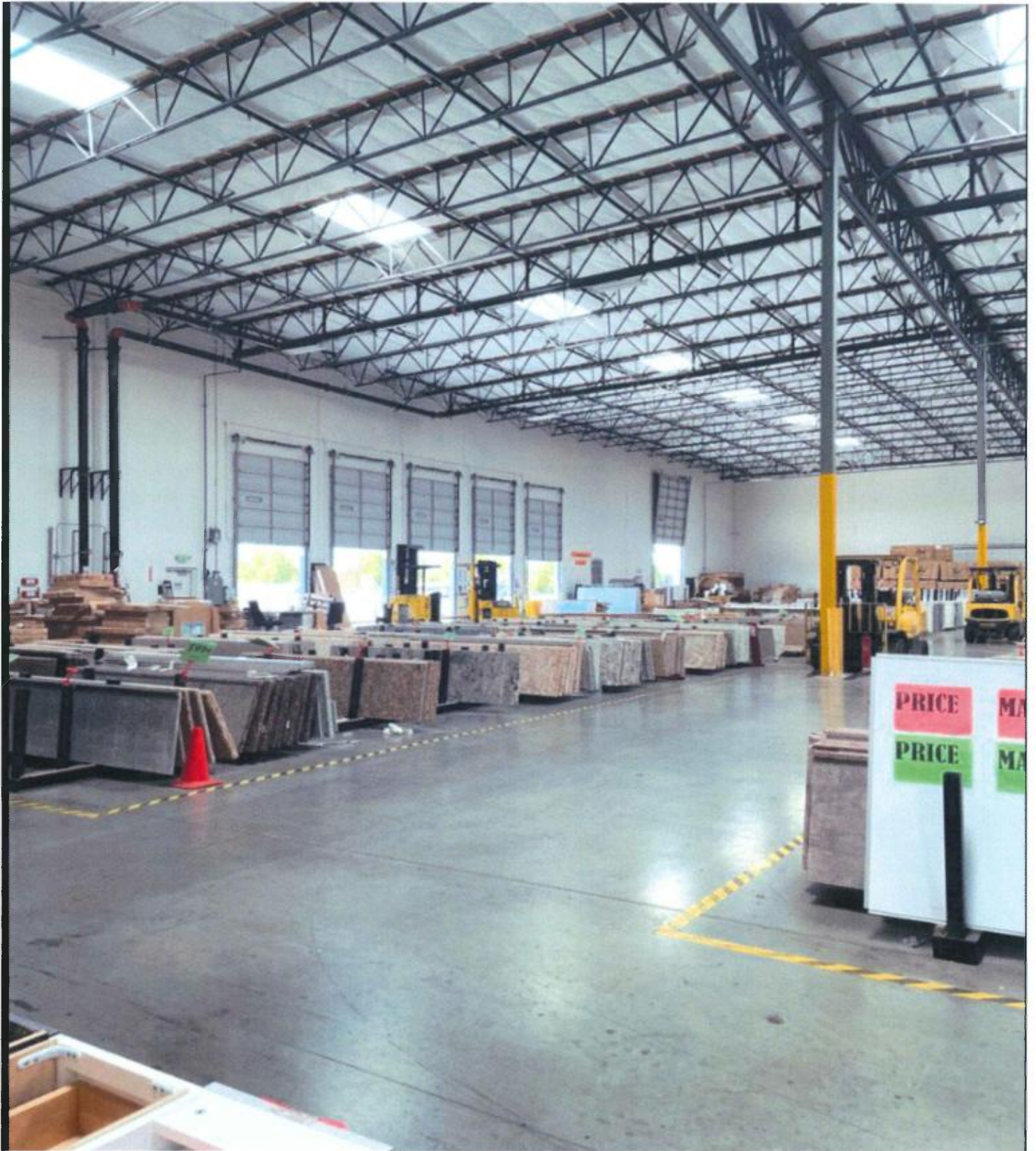
EXHIBIT "O"

ADDITIONAL PHOTOS OF THE NGY WAREHOUSE

CASE NO.: 2:23-CV-03806-SVW-MRWx

Exhibit Cover Page

Declaration in Support of Motion Summary Judgment [CASE NO.: 2:23-CV-03806-SVW-MRWx]



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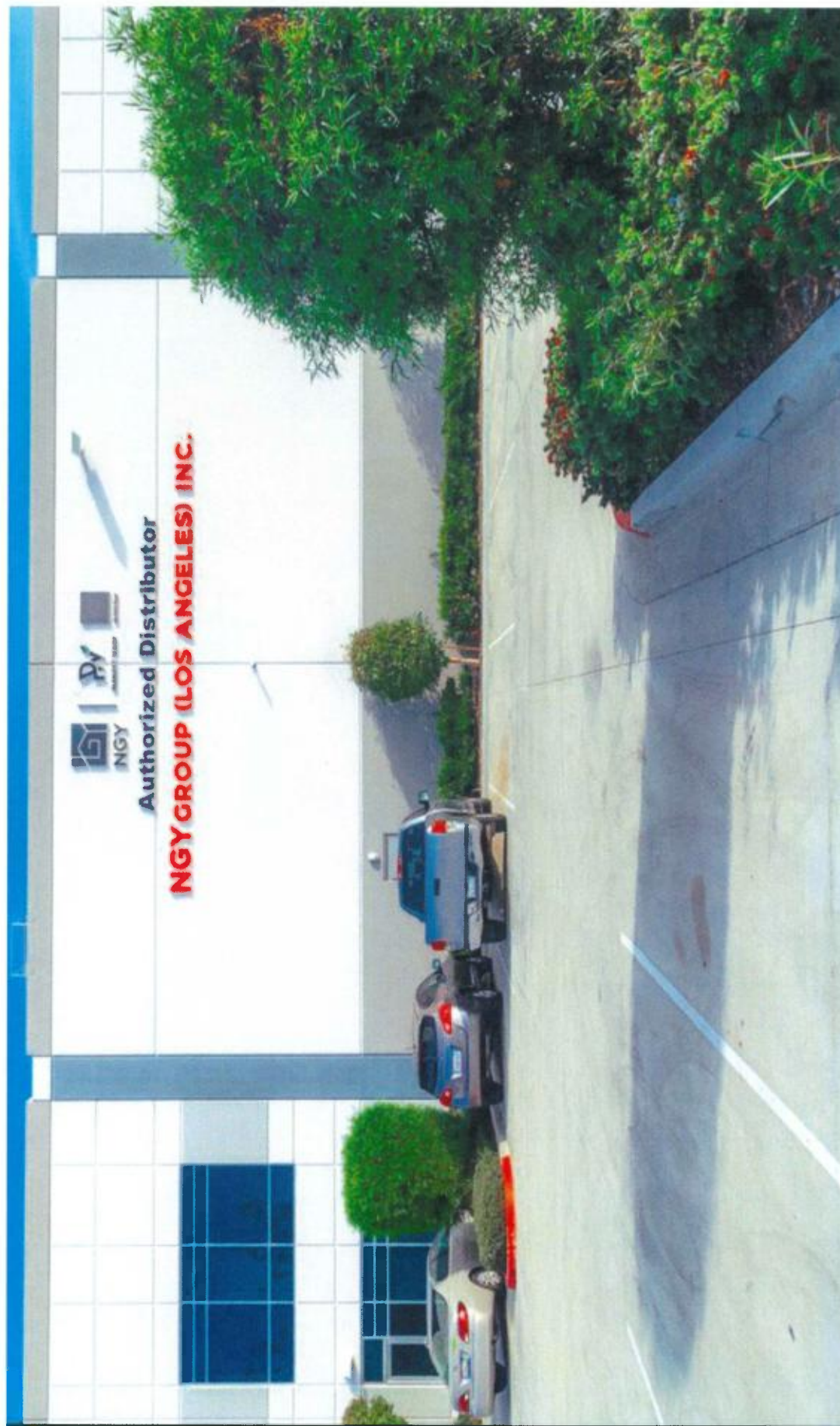
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